

**Deed of Variation – Superannuation  
Trust Deed for a Self-Managed Fund –  
Federation Drive Superannuation**

Steele + Co  
Law and Conveyancing  
154 Russell Street Bathurst NSW 2795

## **Amendment Deed**

This Amendment Deed is made on the date specified in the Schedule.

### **Parties**

The entity named and described in the Schedule as the Trustee.

The person named and described in the Schedule as the Settlor.

### **Background**

- A. The Trust came into existence on 5 February 2016.
- B. The Trustee desires to amend the Trust Deed pursuant to the powers contained in the Trust Deed.
- C. The Trustee has wishes to exclude as Beneficiaries or Members all persons and entities who are Foreign Persons or Foreign Trustees as defined in the Duties Act 1997 (NSW) and the Land Tax Act 1956 (NSW), Foreign Purchasers as defined in the Duties Act 2000 (Vic), Absentee Persons or Absentee Beneficiaries as defined in the Land Tax Act 2005 (Vic), or Foreign Persons as defined in the Duties Act 2001 (Qld);

### **Agreed terms**

#### **1. Definitions and interpretation**

##### **1.1. Definitions**

In this Deed, unless the context indicates otherwise:

**"Amending Authority"** means the rule or provision contained within the Trust Deed which authorises the Trustee to alter, vary or amend the Trust Deed as specified in the Schedule;

**"Amending Provision"** means the provisions which alter, vary or amend, the Trust Deed as specified in the Schedule;

**"Trust"** means the trust created on the 5 February 2016 in accordance with the Trust Deed known as the Superannuation Trust Deed for a Self-Managed Fund for Federation Drive Superannuation;

**"Trust Deed"** means the instrument establishing the Trust described in the Schedule;

**"Trustee"** means the present trustee of the Trust; and

Terms used in this Deed have, unless a contrary expression is expressed in this Deed or in an Amending Deed, the same meaning as in the Trust Deed.

## **1.2. Interpretation**

- a. The singular includes the plural and vice versa.
- b. A reference to one gender includes a reference to all other genders.
- c. Headings of clauses are included for the sake of convenience only and shall not affect the interpretation of the clauses to which they relate.
- d. References to any statute or statutory provision include that statute or statutory provision as amended, extended, consolidated or replaced by subsequent legislation and any orders, regulations, instruments or other subordinate legislation made under the relevant statute.
- e. The words "including", "includes", "such as" and "for example" should be read as if followed by the words "without limitation".
- f. The word person means and includes a natural person, a company, a firm or any other legal entity whether acting as a trustee or not.
- g. This Deed shall bind each party's legal personal representatives, successors and assigns.
- h. When a party comprises two or more person the rights and obligations of such persons pursuant to this Deed shall enure for the benefit of and bind all of them jointly and each of them severally.

## **2. Amendment of the Trust Deed**

The Trustee pursuant to the power and authority conferred by the Amending Authority hereby amends the Trust Deed by adopting the Amending Provisions.

## **3. Confirmation of Trust Deed**

Save as provided in clause 2 above, the Trustee ratifies and confirms all and singular provisions of the Trust Deed.




## Schedule

<b>Date of this Document</b>	4 December 2020
<b>Trustees</b>	William Davis and Colleen Davis
<b>Principal</b>	William Davis
<b>Trust Deed</b>	Deed of Settlement made between William Davis and Colleen Davis as Trustees and the Principal made on 5 February 2016.
<b>Amending Provisions</b>	<ol style="list-style-type: none"><li>1. Clause 9, at page 3, is amended by adding the following as a continuation of sentence 2: <p style="margin-left: 40px;"><i>"or they are an Excluded Person."</i></p></li><li>2. Clause 14, at page 4, is amended by including a new dot point as follows: <p style="margin-left: 40px;"><i>"• the person is an Excluded Person."</i></p></li><li>3. Clause 28, at page 6, is amended by including a new dot point as follows: <p style="margin-left: 40px;"><i>"• the person is an Excluded Person."</i></p></li><li>4. Clause 193, at page 39, is amended by including a new dot point as follows: <p style="margin-left: 40px;"><i>"• Appoint an Excluded Person as a Member or Trustee."</i></p></li><li>5. Add as sentence 3 in the definition of 'Beneficiary', at page 75, as follows: <p style="margin-left: 40px;"><i>"Notwithstanding anything else herein contained a 'Beneficiary' must not be an 'Excluded Person'."</i></p></li><li>6. Add as a definition under 'Excess contributions', at page 77, as follows:</li></ol>

	<p><b>"Excluded Person:</b> A person, Corporation, trust, partnership, or other entity are an Excluded Person if they are a "foreign person" or "foreign trustee" as defined by the Duties Act 1997 (NSW) or the Land Tax Act 1956 (NSW), if they are a "foreign person" as defined by the Duties Act 2001 (Qld), if they are a "foreign purchaser" as defined in the Duties Act 2000 (Vic), or if they are an "absentee person" or an "absentee beneficiary" as defined in the Land Tax Act 2005 (Vic). Any person, Corporation, trust, partnership, or other entity that is Excluded Persons because of this definiiton is irrevocably and permanently excluded as a Beneficiary of this Trust. For avoidance of doubt, this definition is not capable of amendment under clause 190."</p>
<p><b>Amending Authority</b></p>	<p>Clause 190</p>

**EXECUTED** by **William Davis** as **Trustee**  
in the presence of:

Signature:  .....

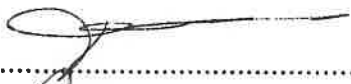
Signature:  .....

Name: R. A. Cooney .....

Name: **William Davis**

Address: 154 Russell St  
BATHURST .....

**EXECUTED** by **Colleen Davis** as **Trustee**  
in the presence of:

Signature: 

Signature: *Colleen C. Davis*

Name: *Ryan Cooney*

Name: **Colleen Davis**

Address: *154 Russell St BATHURST*

**EXECUTED** by the **Principal** in the  
presence of:

Signature:   
~~*Colleen Davis*~~

Signature: *William*

Name: *Ryan Cooney*

Name: **William Davis**

Address: *154 Russell St BATHURST*